

REMARKS

Claims 12-31 were previously pending in the application. By the Amendment, Claims 12 and 22 are currently amended, and Claims 13-21 and 23-31 remain unchanged.

The claims stand rejected under the cited prior art of record. Specifically, Claims 12-15 and 18-21 were rejected under 35 USC §103(a) as being unpatentable over US Patent Application Publication No. 2005/0089809 to Repper et al. (Repper '809). Claims 16 and 17 were rejected under 35 USC §103(a) as being unpatentable over Repper '809 in view of US Patent No. 5938425 to Damrath et al. (Damrath '425). Claim 19 was rejected under 35 USC §103(a) as being unpatentable over Repper '809 in view of US Patent No. 5924857 to Frasnetti et al. (Frasnetti '857). Method claims 22-31 are rejected as obvious in light of the obviousness rejections of claims 12-21, as discussed in paragraph 3, on page 6 of the Official Action.

Independent Claim 12 recites a gas cooking surface, having at least one gas burner and a gas supply coupled to the gas burner for supplying gas thereto. A control device is provided for adjusting the heating capacity stages of the gas burner. Depending on the adjusted heating capacity stage, the gas burner operates in one of a continuous mode in which the gas is supplied continuously to the gas burner or a clocked mode in which the gas burner is supplied with the gas in controlled pulsating manner. The control device includes a touch contact for switching between the heating capacity stages. The touch contact switches controls the heating capacity stages associated with the continuous mode and also with the clocked mode, as well as automatically controlling the burner to a starting heating capacity stage in which the gas burner operates in the continuous mode when the gas burner is switched on by the touch contact. The control device operates to control the burner in a continuous mode starting heating capacity stage without regard to any conflicting control instructions,

thereby operating the burner in a continuous mode of operation upon actuation of the starting touch control switch.

Repper '809 discloses a gas stove configured for direct initial operation in a pulse modulated simmer mode characterized by intermittent gas application to a burner. There, in a simmer mode of operation shown by the series of actions identified by reference numeral 311, as seen in Figures 3a and 3b, i.e., when a simmer level of BTU output is selected by the user, the microcontroller energizes the hot surface igniter, energizes the main solenoid valve, outputs a predetermined PWM level to the appropriate modulating valve, sets the PWM output sequencer to a selected BTU output level, shows the selected burner level in the burner display and leaves the igniter continuously "on" during the entire simmer operation. (p. 4, ¶0050). Even though the igniter is continuously "on", the gas is operated in a PWM mode and the burner does not operate in a continuous mode.

Neither Damrath '425 nor Frasnetti '857 disclose, teach, or suggest a burner control configured to essentially automatically default to a continuous mode of burner operation upon initial operation of a burner in a hob.

For these and other reasons, Repper '809, does not teach or suggest the subject matter defined by independent Claim 12. Therefore, Claim 12 is allowable. Claims 13-15 and 18-21 depend from Claim 12 and are allowable for the same reasons and also because they recite additional patentable subject matter.

For these and other reasons, Repper '809 and Damrath '425, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claims 16 and 17. Therefore, Claims 16 and 17 are allowable.

Claims 16 and 17 also depend from Claim 12 and are allowable for the same reasons and also because they recite additional patentable subject matter.

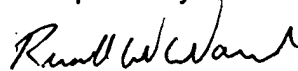
For these and other reasons, Repper '809 and Frasnetti '857, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claim 19. Therefore, Claim 19 is allowable. Claim 19 also depends from Claim 12 and is allowable for the same reasons and also because additional patentable subject matter is recited.

For these and other reasons, Repper '809, Damrath '425, and Frasnetti '857, either alone or in any combination, do not teach or suggest the subject matter defined by independent Claim 22. Therefore, Claim 22 is allowable. Claims 23-31 depend from Claim 22 and are allowable for the same reasons and also because they recite additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 21-31 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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